

FOR OFFICE USE ONLY

File No. \_\_\_\_\_

**DISCLOSURE STATEMENT OF CONDITIONAL GIFTS  
FROM FOREIGN PERSONS**

(Tex. Education Code, §§ 51.571 to 51.575)

A subject institution that receives a gift from or enters into a contract with a foreign source, the value of which is \$250,000 or more, considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year, shall file a disclosure statement with the U.S. Secretary of Education and the Texas Secretary of State on January 31 or July 31, whichever is sooner.

See the attached Information Sheet for definitions. Attach additional pages as necessary.

Name of Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Complete (1) or (2) as applicable:**

(1) For gifts received from or contracts entered into with a foreign source other than a foreign government, provide the following:

The aggregate dollar amount of such gifts/contracts - \_\_\_\_\_

The country to which such gifts/contracts is attributable - \_\_\_\_\_

Additionally, if there are restrictions or conditions to the gift/contract, provide the following:

The date of such gifts/contracts - \_\_\_\_\_

A description of any conditions or restrictions - \_\_\_\_\_

(2) For gifts received from or contracts entered into with a foreign government, provide:

The aggregate dollar amount of such gifts and contracts - \_\_\_\_\_

The foreign government making such gifts/contracts - \_\_\_\_\_

Additionally, if there are restrictions or conditions to the gift/contract, provide the following:

The date of such gifts/contracts - \_\_\_\_\_

A description of any conditions or restrictions - \_\_\_\_\_

\_\_\_\_\_  
Signature of representative of institution receiving the conditional gift

\_\_\_\_\_  
Printed name of representative

\_\_\_\_\_  
Representative's title at the institution

# DEFINITIONS AND INFORMATION

## DEFINITIONS:

- 1) "Conditional gift" means any endowment, scholarship, or other gift, donation, or grant of money or property of any kind or any contract award, the use of which is subject to conditions imposed, requested, or provided by a "foreign government" or "foreign person" and which conditions relate to what kinds of teachers or students may benefit from such gift or relate to the bias or slant with which subject matter supported by the gift may be taught.
- 2) "Contract" means any agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties.
- 3) "Foreign government" means a government other than the government of the United States or any state or political subdivision thereof.
- 4) "Foreign person" means any of the following:
  - a) a foreign government;
  - b) an individual who is not a citizen or national of the United States or of a trust territory or protectorate of the United States;
  - c) a corporation, partnership, joint venture, proprietorship, trust, association or other entity that is created or organized under or existing pursuant to the laws of a foreign government or that has its principal place of business located outside the United States;
  - d) a corporation, partnership, joint venture, proprietorship, trust, association or other entity that is created or organized under or existing pursuant to the laws of the United States or any state or political subdivision thereof, a majority of the stock or other equity interest of which is directly or indirectly owned of record or beneficially by, or a majority of the membership of which is composed of, or which derives a majority of its funding from, a foreign government, an individual described by Paragraph (b) of this subdivision, an entity described in Paragraph (c) of this subdivision, or a combination of such governments, individuals, or entities; or
  - e) any committee or other group a majority of the membership of which is composed of, or a majority of the funding for which is derived from, a foreign government, an individual described in Paragraph (b) of this subdivision, an entity described in Paragraph (c) or (d) of this subdivision, or a combination of such governments, individuals, or entities.
- 5) "Foreign source" means:
  - a) a foreign government, including an agency of a foreign government;
  - b) a legal entity, governmental or otherwise, created solely under the laws of a foreign state or states;
  - c) an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and
  - d) an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source.
- 6) "Gift" means any gift of money or property.
- 7) "Subject institution" means any public university or other public institution of higher education located within this state and includes, without limitation, institutions of higher education as defined in Subdivision (7) of Section 61.033 of the Texas Education Code.
- 8) "Restricted or conditional gift or contract" means any endowment, gift, grant, contract, award, present, or property of any kind which includes provision regarding -
  - a) the employment, assignment, or termination of faculty;
  - b) the establishment of departments, centers, research or lecture programs, or new faculty positions;
  - c) the selection or admission of students; or
  - d) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.

## INFORMATION:

- The statutory provisions governing this filing may be found at Tex. Education Code, §§ 51.571 to 51.575, and 20 U.S.C. § 1011f.
- This disclosure is a public record. It shall be available for inspection and copying during normal business hours.
- Failure to file a required disclosure statement by an institution may result in a suit by the attorney general or a citizen of this state to compel disclosure. Any subject institution failing to report any conditional gift pursuant to the statutory provisions shall be fined an amount equal to five percent (5%) of the conditional gifts not reported.
- This form may be used to comply with federal filing requirements.

*Please direct any questions regarding the Disclosure Statement of Conditional Gifts to the Statutory Documents Section at (512) 463-6334 or at P. O. Box 12887, Austin, Texas 78711-2887.*